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To:	General Secretariat of the Council
No. Cion doc.:	D063958/04
Subject:	COMMISSION REGULATION (EU) .../... of XXX amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for cyantraniliprole, cyazofamid, cyprodinil, fenpyroximate, fludioxonil, fluxapyroxad, imazalil, isofetamid, kresoxim-methyl, lufenuron, mandipropamid, propamocarb, pyraclostrobin, pyriofenone, pyriproxyfen and spinetoram in or on certain products

Delegations will find attached document D063958/04.

Encl.: D063958/04



Brussels, **XXX**
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[...](2020) **XXX** draft

COMMISSION REGULATION (EU) .../...

of **XXX**

amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for cyantraniliprole, cyazofamid, cyprodinil, fenpyroximate, fludioxonil, fluxapyroxad, imazalil, isofetamid, kresoxim-methyl, lufenuron, mandipropamid, propamocarb, pyraclostrobin, pyriofenone, pyriproxyfen and spinetoram in or on certain products

(Text with EEA relevance)

COMMISSION REGULATION (EU) .../...

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amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for cyantraniliprole, cyazofamid, cyprodinil, fenpyroximate, fludioxonil, fluxapyroxad, imazalil, isofetamid, kresoxim-methyl, lufenuron, mandipropamid, propamocarb, pyraclostrobin, pyriofenone, pyriproxyfen and spinetoram in or on certain products

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC¹, and in particular Article 14(1)(a) thereof,

Whereas:

- (1) On 12 July 2019, the Codex Alimentarius Commission adopted new Codex maximum residue limits (CXLs) for abamectin, bentazone, benzovindiflupyr, chlorfenapyr, cyantraniliprole, cyazofamid, cyprodinil, diquat, ethiprole, fenpicoxamid, fenpyroximate, fludioxonil, fluopyram, fluxapyroxad, imazalil, isofetamid, kresoxim-methyl, lufenuron, mandipropamid, norflurazon, oxamyl, oxathiapiprolin, profenofos, propamocarb, propiconazole, pydiflumetofen, pyraclostrobin, pyriofenone, pyriproxyfen, spinetoram and tiozafafen².
- (2) Maximum residue levels (MRLs) had been set for those substances in Annexes II and III to Regulation (EC) No 396/2005, except for ethiprole, norflurazon, pydiflumetofen and tiozafafen for which no specific MRLs were set nor were those substances included in Annex IV to that Regulation, so the default value of 0.01 mg/kg laid down in Article 18(1)(b) thereof applies.
- (3) In accordance with Article 5(3) of Regulation (EC) No 178/2002 of the European Parliament and of the Council³, where international standards exist or their completion is imminent, they are to be taken into consideration in the development or adaptation of food law, except where such standards or relevant parts would be an ineffective or inappropriate means for the fulfilment of the legitimate objectives of food law or

¹ OJ L 70, 16.3.2005, p. 1.

² http://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FMeetings%252FCX-701-42%252FReport%252FREP19_CACe_Final.pdf
Joint FAO/WHO food standards programme Codex Alimentarius Commission. Appendix II. Forty-second Session. CICG, Geneva, Switzerland, 8-12 July 2019.

³ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

where there is a scientific justification, or where they would result in a different level of protection from the one determined as appropriate in the Union. Moreover, in accordance with point (e) of Article 13 of that Regulation, the Union is to promote consistency between international technical standards and food law while ensuring that the high level of protection adopted in the Union is not reduced.

- (4) The Union presented a reservation⁴ to the Codex Committee on Pesticides Residues on the CXLs proposed for the following pesticide/product combinations: abamectin (cane berries; grapes; green onions; herbs), bentazone (all products), chlorfenapyr (all products), cyazofamid (green onions), diquat (all products), ethiprole (all products), fludioxonil (celery; green onions; leaves of Brassicaceae; pineapple; pomegranate), fluopyram (husked rice) imazalil (lemons; limes; oranges; banana; potato; mammalian edible offal), norflurazon (all products), oxathiapiprolin (all products), propamocarb (products of animal origin), propiconazole (all products), pydiflumetofen (all products), pyraclostrobin (lettuce; pome fruits; products of animal origin; tea) and tiozafen (all products).
- (5) The CXLs for abamectin, benzovindiflupyr, cyantraniliprole, cyazofamid, cyprodinil, fenpicoxamid, fenpyroximate, fludioxonil, fluopyram, fluxapyroxad, imazalil, isofetamid, kresoxim-methyl, lufenuron, mandipropamid, oxamyl, profenofos, propamocarb, pyraclostrobin, pyriofenone, pyriproxyfen and spinetoram, which are not listed in recital 4, should therefore be included in Regulation (EC) No 396/2005 as MRLs except where they relate to products which are not referred to in Annex I to that Regulation or where they are at a lower level than the current MRLs. Thus no MRL change is being made to abamectin, benzovindiflupyr, fenpicoxamid, fluopyram, oxamyl and profenofos. Those CXLs are safe for consumers in the Union⁵.
- (6) Based on the scientific report of the Authority and taking into account the factors relevant to the matter under consideration, the appropriate modifications to the MRLs fulfil the requirements of Article 14(2) of Regulation (EC) No 396/2005.
- (7) Regulation (EC) No 396/2005 should therefore be amended accordingly.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes II and III to Regulation (EC) No 396/2005 are amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

⁴ European Union comments on Codex Circular Letter CL 2018/97-PR:
http://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FMeetings%252FCX-718-51%252FCRD%252Fpr51_CRD04x.pdf.

⁵ Scientific support for preparing an EU position in the 51st Session of the Codex Committee on Pesticide Residues (CCPR). EFSA Journal 2019;17(7):5797.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President
Ursula VON DER LEYEN